

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America,	)	C/A No.: 3:11-996-JFA
	)	
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
Harry L. Hamilton,	)	
	)	
Defendant.	)	
_____	)	

Attorney John F. Martin, on behalf of the United States Department of Education, filed a complaint on April 27, 2011, to recover from the defendant's defaulted student loan. On June 17, 2011, counsel filed a returned and executed summons indicating that proper service was made on the defendant on June 2, 2011. The defendant failed to answer or otherwise respond in the time permitted under the Federal Rules of Civil Procedure.

The Clerk of Court made repeated attempts to ascertain the status of the case with counsel. Nearly one year after the time expired for the defendant to answer, counsel filed a request for entry of default on August 28, 2012, and default was entered on September 6, 2012.

More than another year later, on December 16, 2013, counsel made a motion for default judgment, with reference to interest accruals in the amount of \$1.11 per diem on the unpaid balance from October 9, 2009 through October 15, 2013. Counsel submits that the principal amount owed is \$12,321.23; interest owed is \$6,220.85; costs are due in the amount

of \$15.00; and attorney fees are owed in the amount \$4,025 at the rate of \$350 per hour.

Concerned with the amount of time it has taken to prosecute this action, this court issued an order on February 18, 2014 directing counsel to provide the court forthwith, and in writing, an explanation for the delay, as well as an updated interest amount from the date counsel signed the motion for default judgment (October 15, 2013) until the date the motion was actually filed (December 16, 2013). As of the date of this order (March 20, 2014), counsel has not responded to the court's order.

The amounts submitted to the court in the original motion for default judgment (ECF No. 20) are as follows:

Principal	\$18,542.08 (\$12,321.23 + \$6,220.85)
Interest	1,510.71
Costs	15.00
Attorney Fees	<u>4,025.00</u>
	\$24,092.79

Counsel's affidavit in support of the motion for default judgment notes that the principal balance owed to the Department of Education as of October 1, 2009 is \$12,321.23, plus interest in the amount of \$6,220.85, for a total debt of \$18,542.08. Counsel also indicates that interest accrues on the unpaid balance per diem at \$1.11 from October 1, 2009 through October 15, 2013 in the amount of \$1,510.71.<sup>1</sup>

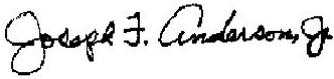
---

<sup>1</sup> On the Certificate of Indebtedness from the U.S. Department of Education (ECF No. 20-7), it is noted that interest accrues on the principal (\$12,321.23) at the current rate of 3.28 percent and a daily rate of \$1.11 through June 30, 2010, and thereafter at such rate as the Department establishes pursuant to Section 455(b) of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1087e. Counsel was requested to advise the court at what rate and on what amount of principal interest is to accrue after June 30, 2010, through the date of February 25, 2014. Counsel did not respond.

Although this court has already entered default, it appears that counsel for the plaintiff has abandoned this action. The court will, however, enter judgment for the plaintiff in the amount of \$20,052.79 (representing principal in the amount of \$18,542.08 and interest in the amount of \$1,510.71). This amount does not include, nor does it approve, attorney's fees and costs that were requested by counsel in the amount of \$4,025.

IT IS SO ORDERED.

March 20, 2014  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge